

EXHIBIT N

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Attorneys for Defendant Netflix, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

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|---|---|
| IN RE ONLINE DVD RENTAL ANTITRUST LITIGATION | Master File No. 4:09-md-2029 PJH MDL No. 2029 Hon. Phyllis J. Hamilton |
| This document relates to: ALL ACTIONS | DECLARATION OF Steve McLendon |

1 I, Steve McLendon, hereby declare as follows:

2 1. I am an employee of Netflix, Inc. ("Netflix"). I make this declaration of my own
3 personal knowledge and understanding, and, if called upon to do so, I could and would testify
4 competently to the facts that it contains.

5 2. On November 15, 2011, Netflix began dissemination of emails to its current and
6 former subscribers who had paid a monthly subscription fee to rent online DVDs between May
7 19, 2005 and September 2011 ("Netflix subscribers").

8 3. Netflix disseminated emails to **34,916,939** of Netflix subscribers between
9 November 15, 2011 and November 18, 2011.

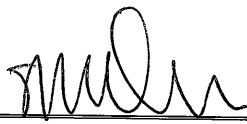
10 4. The email dissemination was conducted in a manner consistent with Netflix's
11 customary practices and methods for limiting and/or avoiding spam filters and other obstacles in
12 sending email communications to its subscribers.

13 5. The emails disseminated by Netflix between November 15, 2011 and November
14 18, 2011 resulted in 7,921,106 hard bounce backs. A hard bounce back is an email message that
15 is returned as permanently undeliverable to the recipient.

16 6. It is my understanding that on or about December 6, 2011, a CD was produced to
17 Rust Consulting containing Netflix's records of the last known names and street addresses of the
18 Netflix subscribers for whom Netflix received a hard bounce back and for known bad email
19 addresses.

20
21 I declare under penalty of perjury pursuant to the laws of the United States that the
22 foregoing is true.

23 Executed this 18th day of January 2012, in Los Gatos, California.

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25 
26 Steve McLendon

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